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SUBJECT: SIGNIFICANT IMPROVEMENTS HELP FOREIGN DOMESTIC
WORKERS

Classified By: Ambassador E. Gnehm for reasons 1.5 b and d

1. (U) This cable contains an action request for G/TIP, see
para 20.

SUMMARY

12. (U) UN, diplomatic and other sources indicate that the GOJ has made significant strides in 2003 to secure and protect the rights of foreign domestic workers (FDWs) in Jordan. In January, the Ministry of Labor and other concerned parties rolled out a standard, mandatory work contract for FDWs. The contract provides for FDWs, rights to life insurance, medical care, rest days and timely payment of wages and it reiterates their right to be treated according to international human rights standards. In March, the GOJ promulgated a provisional law that regulates and places tighter restrictions on recruiting and employing agents. One immediate effect of the law was the closure of numerous recruiting/employment agencies; Ministry of Labor officials report that the number of qualified agents is now 60, compared with up to 350 agents prior to the law. The law also brought FDWs under Jordanian labor law -- including minimum wage law -- for the first time.

13. (U) The GOJ's labor reforms and its cooperation with international organizations and source country embassies are beginning to make a difference. Source country embassies tell us that instances of abuse are down and that wage disputes are regularly settled. The United Nations hopes to export the Jordan model for dealing with the FDW issue to other countries in the region. The UN and the GOJ have discussed the possibility of establishing an NGO to assist and represent FDWs in Jordan but lack the necessary funds. The Embassy would welcome any suggestions that G/TIP may have on funding sources for this worthy initiative. While FDWs continue to register complaints, particularly with regard to the non-payment of wages, the overall climate for domestic workers has improved and, more importantly, the GOJ clearly recognizes the need to protect these workers. END SUMMARY.

BACKGROUND: UNIFEM WORKS TOWARD STANDARD CONTRACT

14. (U) In August 2001, the United Nations Development Fund for Women (UNIFEM) and the Ministry of Labor signed an MOU to begin the "Empowering Migrant Women Workers in Jordan" project. This project will continue through 2004 and aims to promote FDW rights and strengthen accountability in hiring and dispute resolution. It is part of a regional program focused on domestic workers in selected countries, with Jordan as a receiving country and Nepal, India, Indonesia, the Philippines, and Sri Lanka as source countries.

15. (U) In 2002, the project led to the formation of a steering committee made up of UNIFEM, the Ministries of Labor, Interior, and Planning, the Public Security Directorate, Family Protection Unit, two Jordanian women's organizations, and the embassies of Indonesia, the Philippines, and Sri Lanka. The committee continues to meet on a monthly basis. In January 2003, it rolled out a mandatory standard work contract for FDWs, written to comply with ILO conventions. This contract is a first for Jordan, and UNIFEM views it as a model for the region. The contract is now a requirement for new FDWs to obtain visas before entering Jordan, as well as residence and work permits after arrival.

16. (U) Parties to the contract include the FDW, the employer, and the employing agent, and a copy of the contract is provided to the FDW's embassy. The contract provides for FDWs' rights to life insurance, medical care, rest days, and timely payment of wages, and it reiterates the right to be treated according to international human rights standards. It stipulates that employers are responsible for the costs of obtaining work and residence permits, and establishes a monthly wage (subject to Jordanian legal minimum wage).

17. (U) In March 2003, the GOJ promulgated a Labor Ministry-drafted provisional law establishing Ministry oversight of FDW recruitment and certain employment conditions, and bringing domestic workers (native and foreign) under Jordanian labor law -- including minimum wage laws -- for the first time. The law lays out strict requirements for licensing of employment agents: they must be Jordanian citizens or Jordanian-registered companies of good repute, must not have a criminal record, must sign a standards of acceptable conduct document, and must be licensed before beginning operations. The law details the procedure by which agents obtain Ministry concurrence for individual FDW contracts and defines and limits the fees that agents can charge. Finally, agents are prohibited from recruiting or employing workers under 18 years of age, and only licensed agents may recruit and employ new FDWs.

18. (U) The law also empowers the Labor Minister to enact implementing regulations. To facilitate this, the Ministry has formed a committee consisting of Ministry representatives and licensed agents. One regulation in place since March is a requirement that all licensed agents maintain a 50,000 Jordanian dinar (USD 70,000) escrow account to which the Ministry has access for resolving any payment disputes that arise. Another is a requirement that the standard contract be used for all new FDWs. This is an exception to the labor law, which normally grants employers and employees the right to establish working conditions on an individual basis. The Ministry is currently working with other relevant ministries to establish procedures to grandfather in FDWs already resident in Jordan.

19. (U) One immediate effect of the law was the closure of numerous recruiting/employment agencies. Before the law, as many as 350 agencies in Jordan may have recruited FDWs. According to the Ministry, only 60 agents have qualified for licenses under the new requirements since July 1.

THE CURRENT SITUATION

10. (SBU) Statistics on FDWs in Jordan are generally not available, largely because the GOJ was not directly involved in regulating FDWs until this year. The Ministry believes that there are more than 16,000 FDWs in Jordan, based on the number of valid residence permit holders (but admits that its estimate is low). Other estimates, including UNIFEM's, range as high as 50,000. The Sri Lankan Embassy estimates that there are at least 25,000 Sri Lankan FDWs in Jordan, the Philippine embassy estimates at least 7,000 Philippine FDWs, and there are much smaller numbers from other source countries, with Indonesia and India having the largest FDW populations in this remaining group.

11. (U) One reason for the discrepancy in estimated numbers of FDWs is the common practice of allowing residence permits to lapse. This occurs when employers refuse to pay to obtain or renew permits, or when FDWs change employers and simply do not obtain a permit. All persons in Jordan (including tourists) without legal status are subject to a 1.5 JD (2.10 USD) per day fine, with no cap, and individual violators are liable for the fines. Accumulated fines are the greatest single hurdle to repatriating FDWs wishing to leave Jordan. Source country embassies report that the Ministry of Interior has waived these fines in some cases, often involving egregious behavior by employers or guarantees from the departing FDWs that they will not return. According to the Labor Ministry, the GOJ grandfathering working group (para 8) is considering an overstay fine amnesty for FDWs who entered before the changes were enacted to encourage illegal residents to participate in the new procedures.

12. (U) The most frequent FDW complaint by far is non-payment of wages. Such complaints range from delayed payments to no payment at all. According to the Sri Lankan embassy, such situations are normally resolved, especially if the FDW was hired through an agent who can facilitate resolution. Source country embassies also assist in mediating disputes, and the vast majority of cases brought to their attention are resolved.

13. (U) Another common complaint is that employers are unwilling to renew FDWs, residence permits. Some Jordanians have pointed out that the marginal price difference between obtaining residence permits (almost 1 JD or 1.40 USD per day) and paying overstay fines creates a disincentive for employers. They argue that employers risk losing their employees once the FDW has obtained a transferable, one-year permit and no longer has a need to remain with the employer. When employers fail to renew permits, they transfer costs and risk to FDWs. Other complaints include verbal abuse and employers retaining their FDWs, passports (which is illegal).

14. (C) Allegations of physical or sexual abuse are less common. The Sri Lankan Embassy considers physical abuse rare and reports that most cases are resolved through mediation by employment agents. The Philippine Embassy told us that four Philipinas reported being raped in 2002, though it is unclear whether any of the perpetrators were employers. However, all agree that accurately quantifying abuse in Jordan is extremely difficult as it is not reported to a single source and often simply goes unreported. In cases that have been reported to the GOJ, there is no history of successful prosecution.

15. (SBU) One reason FDWs are reticent to report abuse is that they do not want to negatively affect their working conditions or lose their jobs, especially since employers sometimes counter charges of abuse with accusations of theft. Another reason is the language barrier between low-level GOJ officials and FDWs. The traditional source of redress and reconciliation in Jordanian society is through the family, as opposed to the state, an option not available to FDWs. Thus source country embassies comment that abuse often gets reported only to the embassies, and that the FDWs simply leave the country before the GOJ addresses the issue. Many FDWs are not given regular time off (as the new contract requires), though source country embassies report that their nationals do not complain about this since they come with the understanding that they must meet the needs of the households where they work.

16. (C) The Labor Ministry claimed to us that no FDWs have entered the country illegally since the new procedures were put in place earlier this year. However, the Indonesian, Philippine and Sri Lankan Embassies believe that FDWs continue to enter Jordan illegally, i.e. on tourist visas, often without a valid contract. The Philippine Embassy asserts that some groups of Philippine domestic workers have been admitted by border authorities because of the wasta (connections) of some agents. The source country embassies also agree that one of the biggest challenges to improvement of working conditions for FDWs in Jordan is unscrupulous recruiters in source countries. These recruiters often promise specific but unrealistic jobs, wages, and working conditions to lure source country nationals into work contracts in Jordan.

17. (C) A long-resident Roman Catholic priest working with the Philippine and South Asian FDW community assesses the current level of abuse as significantly lower than in the mid-1990's. He ascribes the improvement to the opening of several source country embassies and active source country efforts to monitor and protect their national communities in Jordan.

18. (U) UNIFEM and source country embassies have found the Ministry and the Public Security Directorate's Family Protection Unit (which handles abuse of women) to be cooperative. They also agree that the provisional law and the standard contract are steps in the right direction for FDWs. UNIFEM hopes to export the Jordan model for dealing with the FDW issue to other countries in the region and is committed to assisting the GOJ in making these changes work.

19. (U) All sources concur that that while the recent labor standards focus for foreigners has been on domestic workers, this is because working conditions in other industries are better, largely due to Ministry enforcement of industrial labor standards and union involvement.

ACTION REQUEST

20. (U) The Ministry and UNIFEM agree further on the need for an NGO to represent and assist FDWs in Jordan. In fact, there are already informal networks that support compatriot FDWs on an ad hoc basis. However, UNIFEM and the GOJ are unable to fund such an initiative, with the Ministry pointing out that there is not even a GOJ-supported shelter for abused Jordanian women. While no specific request was made, both entities are searching for funding and are unsure where they will find it, particularly over the long term. Department guidance on this issue would be appreciated.

COMMENT

21. (U) While it has taken years of behind-the-scenes effort by source country embassies and UNIFEM to improve the conditions of foreign domestic workers in Jordan, the Labor Ministry's adoption of a standard FDW contract, promulgation of the provisional law on FDW, and implementation of tighter requirements for employment agents are real steps in the right direction. While only time will tell whether these new regulations will be effective in implementation and enforcement, if successful, they could become, as UNIFEM hopes, a model for other countries in the region.

